

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mathew Dugan on 11/20/09.

The application has been amended as follows: Claims 1-6, 9, 10, 14, 15, and 17 were elected without traverse. Non-elected claims 7, 8, 11-13, 16, and 18-20 have been cancelled.

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: adding a prior art label to figure 7. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

### ***Reasons for Allowance***

3. Claims 1-6, 9, 10, 14, 15, and 17 are allowed.

4. The following is an examiner's statement of reasons for allowance: The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claim(s), in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in claim(s) 1, wherein the claimed invention comprises, in claim 1, at least one slit spaced inwardly from the outer peripheral edge and outwardly of a working portion of the optical element that is

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formed inwardly of the at least one slit, the at least one slit extending into the optical element in an approximate direction of the element thickness from along one of the front and back surfaces to a depth that is less than the element thickness such that the working portion and the fixing portion remain at least partially connected with one another; and, the optical element holder including a depressing means for fixing the optical element by depressing at least one of the front surface and the back surface of the optical element and thereby reducing the propagation of depression-induced strain in the working portion of the optical element, as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDI N. THOMAS whose telephone number is (571)272-2341. The examiner can normally be reached on Monday - Thursday from 6-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brandi N Thomas/  
Examiner  
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BNT

/Ricky L. Mack/  
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